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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,835

04/02/2004

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101985.03

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25944 7590 12/08/2009  
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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2158

MAIL DATE

DELIVERY MODE

12/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,835	<b>Applicant(s)</b> OHMURA ET AL.	
	<b>Examiner</b> Vincent Boccio	<b>Art Unit</b> 2158	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/184,329.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/18/2009</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2158

***Response to Arguments***

1. Applicant's arguments filed against amended claims of 8/18/2009 have been fully considered but they are not persuasive.

In re pages 4-5, applicant states,

*"In fact, **Burt fails to disclose the above-quoted features.** Specifically, Burt fails to disclose a layout adjuster that corresponds to the feature "(2) ... the plurality of image data is selected by the image selector and the first print mode is selected by the print mode selector."*

***Burt also fails to disclose the layout adjuster** that corresponds to the feature "the plurality of image data is selected by the image selector and the second print mode is selected by the print mode selector."*

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Applicant Further States:

"Narita and Okada, **individually or in combination, fail to cure these deficiencies** of Burt. For at least the above reasons, Burt cannot reasonably be considered to teach, or to have rendered obvious, the combination of features positively recited in independent claim 14."

Further, as shown above, Narita and Okada **are not applied in any manner that would overcome the above-identified shortfall in the application of Burt** to the subject matter of independent claim 14.

To any extent that Burt **is even combinable** with Narita and/or Okada, a conclusion which Applicants do not concede, no **permissible combination** of these references can **reasonably be considered to have rendered obvious** the combination of **all of the features positively recited in claims 12, 13 and 15**, for at least the respective dependence of these claims directly on an allowable base claim, as well as for the separately allowable subject matter that these claims recite."

3. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or

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motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

5. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burt et al. (5,649,032) in view of Narita (US 5,786,904) and Okada (US 5,822,499).

Regarding claim 14, Burt in discloses and meets the limitations associated with an electronic camera that records and replays an optical image of an object, the electronic camera comprising:

cols. 4-, the system of Burt read on a camera:

Detailed Description Text - DETX (10):

Returning to FIG. 1, the mosaic is used by one or more of the application systems. For example, the mosaic based display system 104 utilizes special mosaic storage and manipulation techniques that enable a system user to rapidly have a mosaic displayed upon a computer monitor and enable the user to manipulate the displayed mosaic. The mosaic based display removes the image source (e.g., camera) motion from the mosaic image, i.e., the image is stabilized. A user may select to leave some camera movement in the displayed image to provide a sense of the camera's movement, but entirely remove high frequency jitter. Such a display is especially useful when displaying aerial photographs taken from, for example, a helicopter. The moving display provides the user with a sense of motion over the depicted terrain without any camera jitter. Furthermore, to provide additional information to a user, this display system merges other data into the mosaic display. This other data may be numerical or graphical terrain elevation information, motion vectors, graphical indicators showing the most recent image, and the like. The details of this system are described below with respect to FIG. 7.

Detailed Description Text - DETX (12):

The surveillance system 108 uses a mosaic for detection of motion, for example, for security purposes or for motion detection on a battlefield. Generally, a panoramic view of an area of interest is captured by, for example, a high-resolution video camera. The mosaic construction system 102 generates a single high-resolution mosaic of the entire panoramic view. This mosaic is

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used as a reference view. Subsequent frames captured by the video camera are compared to the reference view. Any movement in the reference is detected as residuals from comparing the new image to the reference mosaic. The details of the surveillance system are provided with respect to FIGS. 12 and 13.

Detailed Description Text - DETX (23):

Furthermore, since the reference coordinates to which the latest image, the mosaic, or both are warped to can be arbitrarily selected, the display system is flexible. For example, in an airline display application, the system displays, at a central location on a cathode ray tube (CRT), the latest image captured by a nose mounted video camera. The remainder of the mosaic trails from that central area to the bounds of the display area. As such, the pilot can view what is in front of the aircraft, e.g., an approaching airport, as well as what had just previously passed through camera's field of view. Thus, the pilot can see a historical record of the aircraft's approach to the airport. The importance of the ability to freely select a reference coordinate system shall become more apparent when the various applications for the mosaic are described.

- o a converter that converts an optical image of the object into image data and a recorder that records the image data obtained by the converter and a reader that reads out desired image data that is recorded by the recorder and a display that displays at least the image data (Figs. 1, 5, 6, 7, 8, storing and reading to a display from a memory);
- o a printer

Detailed Description Text - DETX (70):

The image printing system 106 generates a "hard copy" of the portion of the display mosaic within the viewport defined by the mosaic based display system. Since the display mosaic is derived within an image pyramid framework, the display mosaic has a resolution commensurate with the resolution of the computer monitor. However, the display mosaic resolution is typically not the highest resolution available. As such, a higher resolution can be used to

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print the images displayed within the viewport. Such high resolution printing is possible because the images have been aligned using the coarse-to-fine aligning process that accurately aligns the images at sub-pixel accuracy.

Burt provides for a selector and layout adjuster and superimposing means and printing capability,

- o but fails to disclose mode selector that causes:
  - o a print mode setting menu to be displayed on the display by which a user selects a plurality of images by an image selector;
  - o any one of a first print mode in which a plurality of image data is printed on a sheet of recording paper,
  - o a second print mode in which the plurality of image data is superimposed on the sheet of recording paper, and a third print mode in which one image data is printed on the sheet of recording paper;
  - o a paper size selector that causes a recording paper setting menu to be displayed on the display by which a user selects at least a paper size; an image selector that displays on the display a reduced version of the recorded image data;



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- o a layout adjustor (display layout, Burt) that: (1) displays the plurality of image data in a multi-list on the display when the plurality of image data is selected by the image selector, (2) references setting information for setting a printer and information of the paper size and automatically enlarges or reduces each of the plurality of image data to layout on the sheet of recording paper if the first print mode is selected, (3) superimposes the plurality of image data to layout on the sheet of recording paper if the second print mode is selected, and (4) enlarges and displays the image data on the display to layout the image data on the sheet of recording paper if the third print mode is selected; and an output device that outputs to the printer the plurality of image data or the one image data laid out by the layout adjuster.

Narita, specifically teaches arrangement of images to one printing sheet (see abstract, "index print ... utilizing photographic paper", wherein, "the index format is selected according to a number of ... frames ... to determine index size") and controlling **the size of images to fit depending upon the**

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**sheet size and number of images to be printed to fit the desired number of images to the sheet** used (see col. 2, lines 50-62, Fig. 7, 8, 9 and 13), providing an advantage of the entire printing paper can be utilized effectively, by controlling the size of the images to print, based on paper size and number of images, as taught by Narita.

Okada et al. further teaches in col. 1, lines 15-32, the prior art, providing a changing part that changes a printing mode(see col. 1, lines 15-32, providing commands to change the printing environment, such as "reduction/enlargement command to designate enlargement or reduction to print "a B 4 size image" on "an A 4 size sheet"), and wherein when the printing mode is changed by the changing part(user input commands provided), and meets the limitation of an arrangement adjuster that controls or arranges the image data so that one image data is printed on one recording sheet(see commands to set the vertical and horizontal margins, associated with the enlargement or reduction of the image, based on the paper size, set by the user), to perform the operation of controlling, arranging or setting the image data to be recorded on one recording sheet by controlling the size in association with the printing sheet, as dictated by a user, as taught by Okada et al.(prior art).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Burt et al. by incorporating a menu for a user for controlled/selecting from a menu of printing modes and having paper size option, such that when the printing mode is changed, in association with vertical and horizontal margins prints an image on one designated size recording sheet as taught by Okada et al.(prior art) and Narita by controlling the reduction or enlargement of the selected image to print the image selected on one sheet and the paper size as dictated by the user.

Regarding claims 12-13 and 15, the combination further meets the limitation of wherein the interface transmits the image data directly from device electronic camera to the printer and the printer is an external printer wherein the output device includes an interface that transfers the image data to the printer.

#### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday-Thursday between (7:30 AM to 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali, can be reached on (571) 272-4105.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vincent F. Boccio/  
Primary Examiner